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TWELFTH JUDICIAL CIRCUIT

April 15, 2020

Joint Message from the 12th Judicial Circuit and District for Chesterfield County and Colonial Heights, Virginia

Members of the Bar:

The Courts of the 12th Judicial Circuit and District jointly issue the following message regarding court operations and service delivery which apply to each Court:

1. *We are open for business.*

The Chief Justice of the Supreme Court of Virginia issued an Order Declaring a Judicial Emergency on March 16, 2020, and extended the declaration in a new Order dated March 27, 2020. The 12th Circuit and District Courts were closed Monday, March 16, 2020, through Wednesday, March 18, 2020, as we developed and executed plans on how to reopen for business under the provisions of the Judicial Emergency Order.

However, since Thursday, March 19, 2020, all Courts in the 12th Circuit and District have been open for business. Dockets are modified, additional security and screening measures are in place, and our Clerks' Offices are engaging with the public remotely wherever possible; however, we are not closed, and we are providing access to justice. Matters and pleadings that do not require a hearing can and should continue to be filed with the Clerk just as they were before the emergency. We have been communicating this message to the community through social media, our local government website, and various other email and print news sources. We have also attempted to correct misinformation as those opportunities have emerged.

Despite our best attempts to deliver timely, accurate information, the notion that *we are closed* persists. Please assist us in sharing the message that we are open for business, and dispel any suggestion otherwise.

2. *We have the necessary technology to conduct hearings remotely.*

The world looks drastically different than it did in early March and will assuredly never look the same. Our reliance on technology has become itself mission critical in the past several weeks. Fortunately, through the hard work and excellent planning on the parts of our court administrators, and the resources provided by Chesterfield County Administration, the Board of Supervisors, and

Chesterfield IST, we planned for and are in the process of installing upgraded, modern, identical audio-visual technology in all 17 courtrooms in Chesterfield County (understandably, the only exception is the *jury management* A/V technology in the Circuit courtrooms). Similar technology is available in the Courts of the City of Colonial Heights.

The technology we have available has been tested, and pursuant to both Virginia law and guidelines from the Supreme Court of Virginia, we can hold hearings using this technology with jails, members of the Bar, other governmental entities, and soon, the public. The required documentation on how to use this technology is incumbent upon each Virginia locality, and we are working on these instructions now, and hope to have them disseminated to you *forthwith*. The approved video teleconferencing software options available are: WebEx (<https://www.webex.com>) and Polycom Real Presence Mobile App (<https://www.polycom.com>). For some matters, a telephone conference also may be permitted. Counsel should actively coordinate between all parties and the Court to insure the best available and appropriate option is used for a teleconference. Effective communication beforehand will be key to a successful hearing.

3. *Finally, if you want the Court to do something, please ask by filing a motion with the Clerk.*

Each Court will be sending out separate communiqués following this joint message regarding what they can or cannot do; however, if you or your client desire certain actions by the Court, they need to be presented in writing, with very specific requests. Please do not send in a motion for a “telephone hearing” when what you desire is a “videoconference.” Moreover, do not ask for a “videoconference” without suggesting how you want it to be held. As the Court sends out the information on the types of technology we have available, it is incumbent upon you to download the necessary components/applications, complete any necessary testing on your end, and then notify the Court of which technology you want to use to effectuate your request.

Subject to the limits of courtroom and docket space, in-person hearings remain available, where permitted in the discretion of the presiding judge.

Thank you for your advocacy during this unprecedented time. We appreciate your assistance now, and in the future, as we plan for reopening under remarkable conditions. Any questions regarding this memorandum should be directed to the Court’s Administrators.